

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

RAJA KANNAN,  
Plaintiff,  
v.  
APPLE INC.,  
Defendant.

Case No. 17-cv-07305-EJD (VKD)

**ORDER GRANTING  
ADMINISTRATIVE MOTION TO  
SEAL**

Re: Dkt. No. 142

In connection with the parties' discovery dispute concerning defendant Apple Inc.'s subpoenas to third parties for plaintiff Raja Kannan's employment applications (Dkt. No. 141), Apple filed an administrative motion to file Exhibit C to the parties' joint letter brief under seal. Dkt. No. 142. Although the parties conferred and agreed to treat the materials filed as Exhibit C as "Confidential" under the operative protective order, Dkt. No. 142 at 4, Mr. Kannan did not file a response pursuant to Civil Local Rule 79-5(e)(1). Nevertheless, having considered Apple's submission, the Court grants the administrative motion, as set forth below.

There is a strong presumption in favor of access by the public to judicial records and documents accompanying dispositive motions that can be overcome only by a showing of "compelling reasons supported by specific factual findings." *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178–79 (9th Cir. 2006) (internal quotation marks and citation omitted). However, the presumption does not apply equally to a motion addressing matters that are only "tangentially related to the merits of a case." *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101 (9th Cir. 2016), *cert. denied sub nom. FCA U.S. LLC v. Ctr. for Auto Safety*, 137 S. Ct. 38 (2016). A litigant seeking to seal documents or information in connection with such a motion must meet the lower "good cause" standard of Rule 26(c) of the Federal Rules of Civil Procedure.


1 *Id.* at 1098–99; *Kamakana*, 447 F.3d at 1179–80.

2 Apple’s motion to seal concerns information submitted in connection with a discovery  
3 dispute. The underlying dispute does not address the merits of the parties’ claims or defenses, but  
4 rather whether the Court should grant Mr. Kannan’s motion for a protective order with respect to  
5 Apple’s third-party subpoenas. The material to be sealed is only tangentially related to the merits  
6 of the case. The Court therefore applies the “good cause” standard of Rule 26(c).

7 Exhibit C contains materials that the parties have agreed to treat as designated Confidential  
8 and that include Mr. Kannan’s personal information, such as contact information, employment  
9 history, and the decision related to whether to offer him employment. The Court finds good cause  
10 for sealing Exhibit C and therefore grants Apple’s administrative motion to seal Exhibit C.

11 **IT IS SO ORDERED.**

12 Dated: October 15, 2019

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15 VIRGINIA K. DEMARCHI  
16 United States Magistrate Judge  
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